

TSA will fully vet any ongoing training, whether domestic or international, that has a proven method to successfully detect those additional threats that may not currently be applicable to TSA-trained canines.

Section 1308. Maritime and surface transportation security user fee study

There is no comparable House provision.

Section 1452 of the Senate bill requires the Secretary to study the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected to fund maritime and surface transportation security improvements. In developing the study, the Secretary would be directed to consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons. The study would include an assessment of current security-related fees in the United States, Canada, and Mexico; an analysis of the impact of fees on transportation carriers and shippers; and an evaluation of current private and public sector expenditures on maritime and surface transportation security. Within 1 year after the date of enactment, the Secretary would be required to transmit a report to Congress on the results of the study.

The Conference substitute adopts the Senate provision with minor modifications.

Section 1309. Transportation Worker Identification Credential (TWIC)

There is no comparable House provision.

Sections 1454 and 1455 of the Senate bill codify the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons.

The Conference substitute adopts the Senate provision, with minor modifications, codifying the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons. Nothing in this section is intended to change the waiver and appeal rights afforded to workers in 70105 of title 46. In fact, the Conference expects that as the Secretary moves to implement the TWIC program, workers will have their waiver and appeal cases decided expeditiously and that a sufficient number of administrative law judges will be available to adjudicate these cases.

Section 1310. Roles of the Department of Homeland Security and the Department of Transportation

There is no comparable House provision.

Sections 1421, 1425, 1435, 1441, 1442, 1444, 1448, 1449, 1445, 1503 and 1506 of the Senate bill require the Secretary of Homeland Security to consult, coordinate, or work with the Secretary of Transportation in the implementation of the requirements of the sections. Section 1443 of the Senate bill further requires the Department of Homeland Security and the Department of Transportation to execute and develop an annex to the Memorandum of Understanding between the Departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters.

The Conference substitute includes a provision which affirms and clarifies the current delineation of the roles and responsibilities of Department of Homeland Security and the Department of Transportation related to carrying out the provisions of this Act related to transportation security.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

Section 1401. Short title

There is no comparable House provision.

Section 1501 of the Senate bill cited the short title as “The Public Transportation Terrorism Prevention Act of 2007.”

The Conference Substitute adopts a compromise provision, providing that this title may be cited as “The National Transit Systems Security Act of 2007.”

Section 1402. Definitions

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a definition section in an effort to clarify terms used in Title XIV of the bill.

Section 1403. Findings

There is no comparable House provision.

Senate Section 1502 finds that public transit is a top target of terrorism worldwide, that the Federal Government has invested significant sums in creating and maintaining the nation's transit infrastructure, that transit is heavily used and that the current Federal investment in security has been insufficient and greater investment is warranted.

The Conference substitute adopts the Senate findings as modified.

Section 1404. National strategy for public transportation security

There is no comparable House provision.

The Senate bill does not require an additional strategy for transit beyond the modal requirements in Title XII.

The Conference substitute adopts the Senate provision with modifications. The purpose of the strategy is to minimize security threats and maximize the abilities of public transportation systems to mitigate damage that may result from terrorist attacks. The Secretary of Homeland Security (the Secretary) is required to use established and ongoing public transportation security assessments and consult with all relevant stakeholders that are specified in the legislation in developing a national strategy.

Section 1405. Security assessments and plans

There is no comparable House provision.

Section 1503 of the Senate bill requires the Federal Transit Administration of the Department of Transportation to submit all public transportation security assessments and other relevant information to the Secretary 30 days after the date of enactment. The Secretary is also required to use the security assessments received as the basis for allocating grant funds, unless the Secretary notified the Senate Committee on Banking, Housing, and Urban Affairs that the Secretary determined an adjustment is necessary to respond to an urgent threat or other significant factors.

The Senate provision requires the Secretary to conduct both annual updates to the existing assessments and new security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack. In addition, the Secretary is required to establish a process for developing security guidelines for public transportation security and to design a security improvement strategy that minimizes terrorist threats to public transportation systems, and maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks. It also requires the Secretary to conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of bus-only and rural transit systems.

The Conference substitute adopts the requirements included in the Senate bill with modification. It requires the Federal Transit Administration and the Department of Transportation to transfer all existing security assessments as well as any other relevant information to the Department of Homeland Security (the Department or

DHS). It also requires the Secretary to review and augment the assessments and to conduct additional assessments as necessary to ensure that, at a minimum, all high-risk public transportation agencies will have a completed security assessment. The Conference substitute further specifies that each completed assessment should include, at a minimum, an identification of critical assets, infrastructure and systems and their vulnerabilities and an identification of any other security weaknesses, including weaknesses in emergency response planning and employee training. The Conference substitute adopts the Senate's provisions addressing bus-only and rural transit systems with a clarification that these assessments are meant to be representative of the needs of these systems and shall be made available for use by similarly situated systems.

The Conference substitute adopts provisions related to mandatory security plans. All high-risk systems will be required to have a security plan provided they receive grant funding. However, the Conference agreed to provide the Secretary a waiver of that provision in order that he may require a security plan for a high-risk system that has not received grant funding, provided that upon issuance of that waiver, the Secretary, not less than three days after making that determination, provides Congress and the public transportation system written notice detailing the need for the security plan, the reason grant funding has not been made available and the reason the agency has been designated high-risk. The Secretary is required to provide guidance on developing, preparing and implementing these plans. Developing security plans is an eligible expense for funds received under this Title. The security plans must be consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security. The Secretary is authorized to establish a program to develop security plans for systems that are not designated at high-risk, provided that no such system may be required to develop a plan. Security plans are required to be updated annually, as appropriate.

The Conference substitute also includes language on nondisclosure of information, encouraging coordination among different modes of transportation to the extent they share facilities, and allowing public transportation agencies to petition the Secretary to recognize existing protocols, procedures and standards as meeting all or part of the requirements for security assessments or plans.

Section 1406. Public transportation security assistance

There is no comparable House provision.

Section 1504 of the Senate bill created two separate grant programs, one for capital expenses and another for operating expenses. The Senate bill required coordination with State homeland security plans and appropriate consideration of multi-State transportation systems, along with Congressional notification prior to grant awards and the requirement that transit agencies return any misspent grant funds.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute establishes a single grant program that awards grants directly to eligible public transportation agencies for security improvements. A public transportation agency is eligible if the Secretary has performed a security assessment or the agency has developed a security plan. Grant funds provided under this program may only be awarded for permissible uses described in this section that address items in a security assessment or further the agency's security plan.